



February 29, 2016

Thomas Adams, Executive Director
Instructional Quality Commission
Curriculum Frameworks and Instructional Resources Division (CFIRD)
California Department of Education
1430 N Street, Room 3207
Sacramento, CA 95814

Dear Dr. Adams and Members of the Instructional Quality Commission,

We write to you on behalf of the Hindu American Foundation (HAF)'s legal team in regards to the current History-Social Science Framework revision process. While there has been considerable progress made since 2014 in portraying diverse groups and cultures in a positive and accurate manner, we remain concerned that, in contradiction to the *California Education Code*, specific passages in the draft framework are presented both inaccurately and unobjectively, and continue to adversely reflect upon Hindus as a religious and cultural group, and on Hinduism as a religion.

In particular, we are concerned that the following sections portray Hinduism inaccurately, unobjectively, and in a prejudicial manner, and if adopted, will promote misrepresentations of fact and a discriminatory bias against Hindu students in instructional materials and in the classroom:

- Inflammatory comparison of caste and slavery (Grade 6, p. 214, lines 887-889)
- Inequitable discussion of gender roles and patriarchy (Grade 6, p. 215, lines 894-895)
- Prejudicial description of "untouchables" (Grade 6, p. 214, lines 874-876)
- Depiction of Hinduism as inferior to Sikhism (Grade 7, p. 307, lines 1549-1551)

Allowing the current language in these sections to remain in the framework, which serves as a foundation for instructional materials and a guide for teachers, will have serious implications, including perpetuating dangerous stereotypes, ostracizing and alienating children, and even bullying.

These are real concerns for Hindu American students, as exemplified by the testimony of hundreds of Hindu children and from data collected through a recent bullying survey of middle school and high school students (Grades 6-12).¹ According to the survey, one in three Hindu students have reported being bullied in public school classrooms due to their religious beliefs and approximately half indicated that they felt socially isolated.²

The problem, in part, is due to inaccurate and negative representations of Hinduism in textbooks, including materials being presented from an unobjective, predominantly Euro-colonialist view, and an oversimplification of and overemphasis on caste. For instance, many of those surveyed highlighted a

¹Based on the results of a bullying survey of 350 middle school and high school students (Grade 6 to 12) conducted by the Hindu American Foundation between August 5 and September 30, 2015.

² Ibid.

sense of alienation for being a different religion, particularly one not understood well in most U.S. classrooms or textbooks. As a result, some respondents said they hid their religious identity in order to prevent or stop bullying.³ In addition, one out of every four student surveyed said she/he was put on the spot or singled out by a teacher when the section on Hinduism was discussed.⁴

Indeed, such types of bullying, social isolation, and feelings of insecurity amongst students from diverse backgrounds was the very impetus for the social content requirements in the *California Education Code* and the *Standards for Evaluating Instructional Materials for Social Content*.

Adverse Reflection and Discriminatory Bias under the Education Code

The *California Education Code* lays out a set of social content requirements for all instructional materials, including prohibiting the adoption of materials that reflect adversely on groups based on specific characteristics, amongst other requirements. Some of the relevant provisions include the following:⁵

- *Section 51500* -- proscribes a teacher from giving instruction that “promotes a discriminatory bias on the basis of race or ethnicity, gender, religion...”
- *Section 51501* -- prohibits the adoption of instructional materials or textbooks for use in public schools that reflect adversely upon any person based on race or ethnicity, gender, religion, disability, nationality, or sexual orientation, among other protected characteristics.
- *Section 60040(a) and (b)* -- allows only those instructional materials that “accurately portray the cultural and racial diversity of our society” and “the contributions of both men and women in all types of roles.”
- *Section 60044(a)* -- no instructional materials should be adopted that reflect adversely based on a person’s “race or ethnicity, gender, religion, disability, nationality, or sexual orientation, occupation...”
- *Section 60045(a)* -- all adopted instructional materials should be “accurate, objective, and current and suited to the needs and comprehension of pupils at their respective grade levels.”

While the *Education Code* focuses on instructional materials and teacher conduct, its intent and purpose to portray all groups accurately, objectively, and equitably cannot reasonably be achieved unless its provisions similarly apply to the adoption of curriculum frameworks. This is clear from Section 2 of the *Education Code*, which states, “The code establishes the law of this state respecting the subjects to which it relates, and its provisions and all proceedings under it are to be liberally construed, with a view to effect its objects and to promote justice.”⁶

³ Ibid.

⁴ Ibid.

⁵ California Education Code, Official California Legislative Information, <http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=edc>.

⁶ Ibid., Section 1 - 11.

Additionally, broad policy concerns about the impact instructional materials can have on “the formation of a child’s attitudes and beliefs”⁷ can only be adequately addressed through both compliant frameworks and materials.

The frameworks comprise the foundational basis for all statewide instructional materials and, as a result, flawed frameworks that fail to comport with the *Education Code* will inevitably lead to instructional materials and teacher instruction that similarly contravene it. In fact, there would be far greater implications across the state if the frameworks violate the social content requirements of the *Code*, as opposed to a single set of instructional materials. Furthermore, since the frameworks provide guidance to teachers, it is critical that frameworks do not lead to teachers giving classroom instruction that promotes a discriminatory bias based on ethnicity, gender, or religion.

Consequently, it is imperative that all sections of the draft History-Social Science Framework are in full legal compliance with the social content requirements of the *Education Code*.

Legal Compliance with the Education Code

According to the *Standards for Evaluating Instructional Materials for Social Content* approved by the State Board of Education in 2013, “materials must be examined for legal compliance with the various social content requirements specified in the *Education Code*.”⁸ The *Standards* provide guidance on applying the *Education Code* and state, “Instructional materials used by students in California public schools should never portray in an adverse or inappropriate way the groups referenced in the laws.”⁹

They further set forth a criteria to evaluate whether instructional materials do in fact comply with the *Code*’s provisions. Notably, in reference to the portrayal of religion and the application of *Education Code Sections 51501, and 60044(a) and (b)*, the *Standards* are based in part on the U.S. and California constitutions, and thus require strict compliance.¹⁰

The purpose of the *Standards* clearly state that they are intended to “enable all students to become aware and accepting of religious diversity while being allowed to remain secure in any religious beliefs they may already have.”¹¹ And this can only be achieved if there is no bias or prejudice toward any particular religious beliefs. The *Standards* have further clarified that to avoid adverse reflection, “No religious belief or practice may be held up to ridicule and no religious group may be portrayed as inferior.”¹²

⁷ Standards for Evaluating Instructional Materials for Social Content, (September 5, 2013), California Department of Education.

⁸ Ibid., p. 4.

⁹ Ibid., p. 4.

¹⁰ Ibid, p. 10.

¹¹ Ibid., p. 8

¹² Standards, p. 8

In the context of *Section 60040(a) and (b)*, the *Standards* indicate that compliance with the *Education Code* regarding the presentation of the roles and contributions of ethnic/cultural groups and men and women is not limited to California and the U.S., but implicitly extends to other societies as well.¹³

Specifically, the *Standards* assert that materials must “instill in each child a sense of pride in his or her heritage” and to prevent adverse reflection, “Descriptions, depictions, labels, or rejoinders that tend to demean, stereotype, or patronize minority groups are prohibited.”¹⁴ The same analysis applies to the description of male and female roles in *Section 60040(b)* when evaluating whether content rises to the level of adverse reflection.¹⁵

Finally, it is important to note that none of the “special circumstances” listed in the *Standards* apply to the sections outlined below.

Inflammatory Comparison of Caste and Slavery (Grade 6, p. 214, lines 887-889)

887	Caste, however, is a term that social scientists use to describe any particularly
888	unbending social structure, for example, slave-holding society in the American
889	south before the Civil War, which can make the “caste” label offensive.

Drawing a parallel between caste and “slave-holding society in the American south” is extremely inflammatory, and an unobjective assessment without any factual basis. There is significant research on the “caste system” and its evolution and flexibility which disproves this still very colonial understanding of it as a rigid and unbending social structure.¹⁶ It is in no way analogous to slavery, and did not involve the trading, selling, and forced bondage of human beings as property or chattel based primarily on race. In addition, slavery was legally codified and established legal rights for slave-owners, while defining consequences for those that violated relevant laws. On the other hand, caste is more akin to medieval guild systems. As such, the current framework presents a false equivalency.

Moreover, the assertion that social scientists use the term caste to describe unbending social structures, such as slavery, is blatantly false. According to Dr. Ronald L. Davis, Professor Emeritus of History, California State Northridge, as noted in the Uberoi Foundation edits, “No historians of southern culture and law use the term ‘caste’ in discussing U. S. slavery. Historians of slavery recognize that the idea of caste is simply non applicable to slavery as practiced in the U. S. South, which they see as an entirely different social order rooted in the concept of holding humans in bondage as property.”¹⁷

¹³ Ibid., p. 2.

¹⁴ Ibid., p. 5-6.

¹⁵ Ibid., p. 4-5.

¹⁶ Curtis, Kenneth and Hansen, Valerie, *Voyages in World History*, 2nd Edition.

¹⁷ Arumuganathaswami, Acharya and Bajpai, Shiva G., “Edits for IQC meeting of March, 2016,” (Submitted January 5, 2016), Uberoi Foundation Institute for Curriculum Advancement.

Accordingly, such a flawed comparison is neither accurate nor objective, and ill-suited to the needs of 6th grade students in better understanding Hinduism or Indian social structures, in contravention of *Section 60045(a)* of the *Education Code*. Given that there is already ample discussion on Indian social structures in the draft framework, this comparison to slavery is unnecessary, inappropriate, and serves no discernible educational purpose. Instead, it will only confuse and mislead teachers and students.

Slavery itself is an extremely difficult subject to teach about in the classroom, and it evokes highly charged and emotional reactions from students. By equating it with caste, which many already incorrectly assume to be inherent to Hinduism, it will inevitably reflect adversely on Hindu children, causing them to feel insecure in their religious beliefs.

Furthermore, it is particularly egregious and inequitable, since there are no similar comparisons between social structures and slavery, or even the mention of slavery, in the context of other religions in the draft framework, and this too in spite of slavery being carried on under the imprimatur of many of these other religions. Based on this disparate treatment, it will appear to students that there is something inherently wrong with Hinduism, leading to the humiliation and alienation of Hindu children, contrary to the principles of *Sections 51501 and 60044(a)*.

Even the well-intentioned disclaimer at the end of the sentence, “which can make the caste-label offensive,” will be lost on young impressionable 6th graders and do little to soften the impact of this harsh and grossly inaccurate parallel.

Finally, by relying on this section in the framework as a guide, teachers might utilize offensive classroom exercises and single out Hindu students by asking inappropriate questions or putting them on the spot. According to the results of the Foundation’s anti-bullying survey described above, these types of incidents have already occurred and are likely to exponentially worsen with this false equivalency between caste and slavery. Teachers will thus be unable to avoid conflating purported aspects of Hinduism with slavery, and will end up presenting Hinduism as inferior and in a manner that is biased or discriminatory, in violation of *Section 51500*.

Consequently, lines 887 - 889 in Grade 6 should be removed in their entirety.

Inequitable Discussion of Gender Roles and Patriarchy (Grade 6, p. 215, lines 894-895)

894	Although ancient India was a patriarchy, women had a right to their personal
895	wealth, especially jewelry, gold, and silver, but fewer property rights than men.

The discussion of gender roles and use of the term patriarchy in ancient India in lines 894-895 is distinctly inequitable when compared to the representation of other religions and societies. In fact, despite the fact that patriarchies were prevalent in almost all pre-modern societies and across all religious communities, a similar description is glaringly absent from other sections in the narrative. The word patriarchy (or its derivatives) occurs only three times throughout the entire draft narrative -- in

reference to Mesopotamian civilization, a second time in the section on Islam, and then again, in Hinduism.

Ancient Hebrew and Christian societies were patriarchal and continue to be so in many parts of the world, but there is no mention of patriarchy in these sections. To specify the historical reality of patriarchy only in these three instances, and not in all of the others, will lead children to learn and believe that patriarchy was unique to only those specified, and reflect adversely on Hindu and Indian girls, contrary to *Sections 51501, 60040(a) and (b), and 60044(a)*.

Furthermore, while most communities in India can be described as patriarchal, descriptions of the centrality of Goddesses in Hinduism as well as the important role played by women in religious life, and the unique existence of matrilineal and matriarchal communities are absent in the current frameworks. As previously noted in the Uberoi Foundation's submission, one of the better known matriarchal communities is the Marumakkathayam in the Southern Indian state of Kerala. Moreover, it is important to distinguish the role women played and continue to play in the development of Hinduism, and in turn, Hindu society. While the majority of the Vedas are believed to have been composed by male sages or rishis, some 21 female sages/rishikas are cited in the Rig Veda alone. Given the time in history, where in most cultures, women's voices were unheard, let alone, documented in any form (be it through oral or written tradition), this aspect of both Indian and women's history is noteworthy.

As a result, the way in which patriarchy is selectively covered, and that too, without mention of the Goddess worship, positive contributions of women, or the occurrences of matriarchies or matrilineality where relevant, is contrary to the explicit purpose of the *Social Standards*, which provide in part that, "instructional materials must also help students to understand both the historical roles and the contributions of women and minorities in other societies [and] the forces that shaped those roles and contributions..."¹⁸ And thus it violates the "requirements inherent in the law and education code."¹⁹

Similarly, this blatant disparity will lead teachers to promote a discriminatory bias towards Hindu and Indian girls based on ethnicity, gender, and religion, prohibited by *Section 51500*.

In order to ensure equitable representation and avoid adverse reflection or discriminatory bias, patriarchy needs to be covered throughout the narrative as the historical reality of most peoples, or alternatively by simply removing the phrase "Although ancient India was a patriarchy" in lines 894-895.

Prejudicial Description of "Untouchables" (Grade 6, p. 214, lines 874-876)

874	In addition, by 500 CE or earlier, there existed certain communities
875	outside the jati system, the "Untouchables," who did the most unclean work, such
876	as cremation, disposal of dead animals, and sanitation.

¹⁸ Standards, p. 2.

¹⁹ Ibid.

The use of the term “Untouchables” in lines 874-876 is inappropriate for multiple reasons. While it is true that certain socially and economically disadvantaged communities existed in India during that time period, the use of the British colonial era term “Untouchables” to describe them is highly prejudicial and grossly reductive.

The term “Untouchable” itself is an imprecise term created by the British several centuries after 500 CE to categorize those jātis which, for various reasons, did not fit into the four-fold *varna* structure. The British themselves failed to understand the complexity and fluidity of *varna* and *jati*, leading to significant misunderstandings on who or what constituted an “Untouchable.”²⁰

This confusion and misunderstanding has persisted and impacts modern Indian understandings of the term and its relationship to the administrative categories of backwards castes and classes, and scheduled castes. Without any clear understanding of the term, its objective utility and accuracy is highly questionable and it is thus ill-suited to advancing the educational needs of 6th grade students, as required by *Section 60045(a)*.

Furthermore, the use of the label “Untouchable,” which has extremely negative and demeaning connotations, is part of an already expansive description of India’s social structures in the preceding and subsequent passages of the framework. This overemphasis on caste, coupled with the absence of descriptions of similarly disadvantaged groups occupying low social positions in other cultures, religious communities, and civilizations, adversely reflects on Hindu students, in contravention of *Sections 51501, 60040(a), and 60044(a)* of the *Education Code*.

Although scholars generally agree that what has been described as “untouchability” was in fact a post-Buddhist phenomenon, it is erroneously placed in the section on Hinduism, leading teachers and students to believe that these types of disadvantaged communities were only present in Hindu society. To the contrary, there is no sacred text or book of social law that ever prescribes this category and it is neither accepted nor recognized anywhere in the Hindu scriptural tradition.

Such inaccurate and disparate descriptions would thus promote a discriminatory bias against Hinduism, in violation of *Section 51500*. It would also inevitably result in classroom discussions, questions about whether a student was an “Untouchable,” and exercises that cause Hindu students to feel insecure and inferior. In particular, it would demean and stereotype those Hindu students that actually came from disadvantaged communities, and subject them to ridicule, alienation, and social isolation.

As a result, “Untouchables” in lines 874-876 in Grade 6 should be struck and the line should read: *“In addition, by 500 CE or earlier, there existed certain socially ostracized and economically disadvantaged communities who did the most unclean work, such as cremation, disposal of dead animals, and sanitation.”*

Depiction of Hinduism as Inferior to Sikhism (Grade 7, pg. 307, lines 1549-1551)

²⁰ Jain, Meenakshi, *Backward Castes and Social Change in U.P. and Bihar* [Srinivas, MN, *Caste: Its 20th Century Avatar*, Penguin UK, 2000].

1549	A new world religion, Sikhism, was founded in 1469 in South Asia. Sikhism
1550	was founded by Guru Nanak, a social reformer who challenged the authority of
1551	the Brahmins and the caste order.

The specific wording in lines 1549-1551 is extremely problematic and unnecessary to describe the development of Sikhism as an independent religion. The current language favorably contrasts Sikhism with Hinduism and presents Guru Nanak's teachings as an improvement upon Hinduism. By utilizing the terms "challenged the authority of the Brahmins and the caste order," it reinforces negative perceptions about Hinduism and equates it with caste, adversely reflecting upon the Hindu community and contravening *Sections 51501 and 60044(a)*. Although the explicit terms "Hindu" or "Hinduism" are not used in these lines, based on prior references to Brahmins and caste in the framework, it would be clear to both 7th grade students and teachers, that they do in fact refer to Hinduism.

This is analogous to the antiquated and highly offensive use of Replacement Theology to discuss the development of Christianity and Jesus in relation to Judaism. According to the Institute of Curriculum Services (ICS), "Replacement Theology views Judaism as an imperfect prelude to Christianity and focuses on negative aspects of Judaism" and "contrasts an allegedly positive message of love by Jesus with that of Judaism and the Jewish Bible..."²¹

ICS notes that such theories have inculcated prejudice against the Jewish community and should be avoided when teaching about the two religions. Similarly, juxtaposing Hinduism as inferior to Sikhism, as the framework currently does, and implying that caste is intrinsic to Hinduism, while failing to note that caste affected other religious communities during that time period, would foster prejudice towards Hindu students and cause them to feel insecure in their beliefs. It would also lead teachers to inadvertently imply that one religion is inferior to another and exhibit a discriminatory bias towards Hinduism, contrary to *Section 51500*.

The section is also unobjective, in violation of *Section 60045(a)*, as it incorrectly presupposes that Brahmins exercised uniform authority over all Hindus and that there was no room for personal expression of devotion to God within Hinduism. It further erroneously assumes that there was no rejection of social divisions within Hindu society. As a previous section of the framework itself notes, the Bhakti movement within Hinduism advocated a personal form of religion and spirituality, devoid of priestly intermediaries, and strongly rejected any social divisions. Accordingly, the current wording is inaccurate and unobjective, and ill-suited to the needs of 7th grade students.

The current language in lines 1549-1551 should thus be replaced with:

"Sikhism was founded by Guru Nanak, a social reformer who challenged religious authority and social inequities,"

This will still present Sikhism in an accurate and positive light without adversely reflecting on an entire religion.

²¹ "Avoiding Prejudice When Teaching about Religion," Institute for Curriculum Services, <http://www.icsresources.org/teachrelpubsch.htm>.



Overall, the minor changes recommended in the four sections above would ensure that the draft History-Social Science Framework complies with the *California Education Code* and does not adversely reflect upon Hindu students or promote a discriminatory bias against Hinduism.

We therefore urge the Instructional Quality Commission to remove or appropriately revise these specific lines to ensure legal compliance with the *California Education Code*.

Thank you for your attention to this matter.

Sincerely,

Suhag Shukla, Esq.
Executive Director/Legal Counsel

Samir Kalra, Esq.
Senior Director/Human Rights Fellow

Nikhil Joshi, Esq.
Member, Executive Council

Harsh Voruganti, Esq.
Member, Executive Council